

R277. Education, Administration.

R277-469. Instructional Materials Commission Operating Procedures.

R277-469-1. Definitions.

A. "Pilot program" or "pilot use" means the use by a school or schools on a limited basis of previously unreviewed instructional materials and materials not yet submitted to the Instructional Materials Commission for formal review, consistent with Section R277-469-9.

B. "Pilot approval" means approval authorized under Section R277-469-10 using the form developed and provided by the USOE.

C. "Instructional materials" means systematically arranged text materials, in harmony with the State Core Curriculum framework and courses of study, which may be used by students as principal sources of study and which cover any portion of the course. These materials:

(1) shall be designed for student use;

(2) may be accompanied by or contain teaching guides and study helps;

(3) shall appear on the list of state-adopted instructional materials or be approved for pilot use by the Instructional Materials Commission.

D. "State Core Curriculum" means minimum academic standards provided through courses as established by the Board which shall be completed by all students K-12 as a requisite for graduation from Utah's secondary schools.

E. "Board" means the Utah State Board of Education.

F. "USOE" means the Utah State Office of Education.

G. "Commission" means the Instructional Materials Commission.

H. "Previously unreviewed materials" means instructional materials that have neither been approved by the Instructional Materials Advisory Commission through the formal approval process nor approved as pilot materials under Section R277-469-9.

I. "International Baccalaureate" means college level work limited in subject areas balancing humanities and sciences in an interdisciplinary, global academic program that is both philosophical and practical. This multi-cultural experience emphasizes analytical and conceptual skills and aesthetic understanding for advanced students.

J. "Integrated instructional program" means any combination of textbooks, workbooks, software, videos, transparencies, or similar resources used for classroom instruction of students.

K. "ASCII" means American Standard Code for Information

Interchange from which Braille versions of all or part of the instructional materials can be produced.

L. "Advanced placement materials" means materials used for the College Board Advanced Placement Program and classes. The program policies are determined by representatives of member institutions. Its operational services are provided by the Educational Testing Service. The program provides practical descriptions of college-level courses to interested schools and student test results based on these courses to colleges of the student's choice. Participating colleges grant credit or appropriate placement, or both, to students whose test results meet standards prescribed by the college.

R277-469-2. Authority and Purpose.

A. This rule is authorized under Utah Constitutional Article X, Section 3 which vests general control and supervision over public education in the Board, by Section 53A-14-101 through 53A-14-106 which directs the Board to appoint a Instructional Materials Commission and directs the Commission to recommend instructional materials for adoption by the Board, and by Subsection 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities.

B. The purpose of this rule is to provide definitions, operating procedures and provisions for final, pilot, and limited approvals of instructional materials.

R277-469-3. Use of State Funds for Instructional Materials.

A. Districts may use funds designated for state instructional materials only:

(1) for materials on the approved instructional materials list;

(2) for materials approved under Section R277-469-10 for pilot use;

(3) for advanced placement, International Baccalaureate, concurrent enrollment, and college-level course materials. Use of these materials may require parental permission consistent with R277-474.

B. Schools or school districts that use any funding source to purchase materials that have not been approved through the formal Commission process or consistent with this rule, may have funds withheld to the extent of the actual costs of those materials pursuant to Subsection 53A-1-401(3).

C. Free instructional materials:

(1) may be used as student instructional materials only consistent with the law and this rule; and

(2) shall be reviewed and approved by school districts prior to use.

R277-469-4. Instructional Materials Commission Members Terms of Service.

A. Members shall be appointed from categories designated in Subsection 53A-14-102(1).

B. Members shall serve four year staggered terms beginning with the 1998 appointments with the option, jointly expressed by the Commission member and the Commission, for reappointment for one additional term.

C. The Commission may establish subcommittees as needed.

R277-469-5. Commission Review of Materials.

A. All materials used in Utah schools shall be reviewed by the Commission consistent with this rule or qualify under the exceptions to review categories of Section R277-469-6.

B. The Commission may review materials in the following subject areas on timelines as determined by the Commission based upon district needs and requests and using forms and procedures provided by the USOE:

- (1) Bilingual education/English as a second language (elementary and secondary),
- (2) Character education (elementary and secondary),
- (3) Driver education (secondary),
- (4) Early childhood education,
- (5) Fine arts (elementary and secondary),
- (6) Foreign language (elementary and secondary),
- (7) Health education and fitness (elementary and secondary),
- (8) Information technology (elementary and secondary),
- (9) Language arts (elementary and secondary),
- (10) Mathematics (elementary and secondary),
- (11) Science (elementary and secondary),
- (12) Social studies (elementary and secondary),
- (13) Applied technology/vocational subjects,
- (14) Technology education,
- (15) Technology and industrial arts,
- (16) Special education/resource materials, and
- (17) Human sexuality instructional materials.

C. The Commission's determination of a materials category for review purposes is final.

D. Unless materials meet the exceptions of this rule, or are reviewed consistent with this rule by the Commission, they may not be purchased with state or federal funds.

E. Commission review of material is available in April and October of each year.

R277-469-6. Review and Adoption Categories.

A. Materials may be considered for review and designated

under the following categories. They may be purchased with state funds and used as follows:

(1) Adopted: Instructional materials that may be used or purchased and are in alignment with content, philosophy and instructional strategies of the State Core Curriculum which may be used by students as principle sources of study and provide comprehensive coverage of course content.

(2) Limited: Instructional materials that may be used or purchased and are in limited alignment with the State Core Curriculum or are narrow or restricted in their scope and sequence. Use of these materials should be supplemented with additional materials to assure State Core Curriculum coverage.

(3) Teacher Resource: These materials may be used or purchased for or by teachers for use as resource material only.

(4) Reviewed, but not Adopted: Instructional materials may not be used or purchased that are not in alignment with the State Core Curriculum, inaccurate in content, include misleading connotations, contain undesirable presentation, are in conflict with existing law and rules, or are unsuitable for use by students.

(5) the following materials are not reviewed, but may be purchased consistent with the law and this rule and are subject to district review:

- (a) advanced placement materials,
- (b) International Baccalaureate materials,
- (c) concurrent enrollment materials,
- (d) library or trade books,
- (e) reference materials,
- (f) teachers' professional materials which are not components of an integrated instructional program.

(6) Galley proofs or unfinished copies shall not be reviewed.

B. When an integrated instructional program, as determined by the Commission, is submitted for review, the program shall be reviewed and evaluated collectively. Review shall take place once all parts of the program are submitted.

R277-469-7. Criteria for Selection of Instructional Materials.

- A. Instructional materials shall:
- (1) be consistent with State Core Curriculum.
 - (2) provide an objective and balanced viewpoint on issues.
 - (3) include enrichment and extension possibilities.
 - (4) be appropriate to varying levels of learning.
 - (5) be accurate, factual and research-based.
 - (6) be arranged chronologically or systematically, or both.
 - (7) reflect the pluralistic character and culture of the

American people.

(8) be free from sexual, ethnic, age, gender or disability stereotyping.

(9) provide accurate representation of diverse ethnic groups.

(10) be of acceptable technical quality.

B. Upon request by the district, a publisher of instructional materials shall furnish computer diskettes of materials for literary subjects in the American Standard Code for Information Interchange (ASCII).

C. USOE monitoring:

(1) The USOE may require a district to provide a report of instructional materials purchased by the district in the previous four years.

(2) The USOE may initiate a formal or informal audit of instructional materials purchased.

R277-469-8. Directives and Procedures for Publishing Companies Seeking to Sell Instructional Materials to School Districts.

A. The Commission shall not designate any individual, corporation or business as an official instructional materials depository.

B. Publishers desiring to sell adopted materials to Utah schools or districts shall have adopted materials on deposit at an instructional materials distributor in the business of selling instructional materials to schools or districts in Utah.

C. Depository agreements may be made between publishers of materials and local vendors.

D. Revised adopted materials:

(1) If a revised edition of adopted materials retains the original title and authorship, the publisher may request its substitution for the edition currently adopted providing that:

(a) the original contract price and contract date do not change;

(b) the revised edition is compatible with the earlier edition, permitting use of either or both in the same classroom;

(c) a sample copy of the revised edition is provided to the USOE Instructional Materials Specialist for examination purposes.

(2) If Subsection R277-469-8D is not satisfied, a new edition shall be submitted for adoption as new materials.

(3) The Commission shall make the final determination about the substitution of a new edition for an adopted edition with assistance from the state subject area specialist.

E. Publishers' Increase in Contract Prices

(1) Publishers may request one increase in contract prices to be effective during either the third or fourth year of the

contract for instructional materials adopted by the Commission.

(2) Price increases shall be limited to the consumer price index (CPI) for the last fiscal year unless good cause is demonstrated consistent with designated deadlines and forms provided by the Commission.

R277-469-9. Pilot Use of Instructional Materials.

A. Pilot approval for previously unreviewed instructional materials shall be given for no more than:

(1) ten percent of the districts in the state; and

(2) ten percent of the schools in a single district with the grade levels (elementary, junior high/middle or high school) for which the materials are designated;

B. Publishers shall present a completed pilot application form when applying to the USOE for pilot approval.

C. Publishers shall present proof of pilot approval from the USOE to the school or district prior to distribution of materials.

D. The Commission shall not review materials submitted by a publisher who has acted in violation of this rule for a two year period beginning January 1 of the year following the year in which the violation occurred.

E. Samples (defined as one copy or one set of an instructional program) may be given to a school or district upon request by administrators or teachers for preview purposes only.

F. Publishers, in cooperation with districts using the materials, may be required to provide an evaluation to the USOE completed by the district of pilot materials based on criteria and forms provided by the USOE.

G. Pilot materials may only be used for one school year anywhere in the state under pilot approval prior to seeking final approval through the formal Commission process.

H. The USOE may require a report of pilot program materials used in district schools in the past year.

I. Districts or schools or both shall assume any costs of pilot materials not approved for further use by the Commission.

J. All materials used in pilot programs that are not approved through the Commission process for continued use shall be collected by the district at the end of the pilot period and disposed of.

R277-469-10. Request for Reconsideration.

A. A request for reconsideration is a single additional opportunity provided to a publisher for each submission and review of instructional materials with which the publisher disagrees.

B. The request for reconsideration procedure is as

follows:

(1) A request for reconsideration shall be received by the USOE only from a publisher.

(2) The publisher shall receive the evaluations and recommendations from the USOE of the initial review.

(3) The publisher shall have 30 days to respond to the evaluation and request to have materials reviewed again during the next adoption cycle.

(4) During the period of the reconsideration request, materials shall be marked as tentative and shall not be given official status. These materials shall not be posted to the Internet site until approved through the official Commission process.

(5) A publisher may be asked to send a second set of sample materials to the USOE.

(6) Any written information provided by the publisher shall be available to the advisory committees during the second review.

(7) After the second review by the subject area advisory committee, the publisher shall be notified of the completion of the appeals process and the decision after the scheduled Board meeting.

(8) Materials shall be voted on by the Commission during the next scheduled meeting. A revised status of instructional materials shall be made after Board approval the following month.

(9) The publisher shall receive a second letter stating that recommendations are official and a copy of the new evaluation. Evaluations may now appear on the Internet if materials are adopted.

C. Publishers shall be given only one opportunity to request that materials be reconsidered.

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Art X, Sec 3
53A-14-101 through 53A-14-106
53A-1-401(3)